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REMARKS

Claims 21, 22 and 24-35 remain in the application. Claim 36-41 have been added. Reconsideration of the application is respectfully requested.

The §112 rejection of claim 27 is traversed because a force responsive switch is disclosed in paragraph 37, with the example of a strain gauge switch, which inherently provides the claimed functionality. The schematic switches of Figures 1 and 5 illustrate adequately.

Claim 34 has been amended for clarity, thus overcoming the §112 rejection.

The §102(e) rejection of claims 21-22 and 24-28 in view of Galli is traversed. Galli discloses a flashlight with a mechanical switch that provides momentary illumination, or sustained illumination. Galli has no controller with switching functions. It discloses a circuit board in which lamps are mounted, and in which unillustrated and undescribed "control electronics" are mounted.

Claim 21 and its dependents should be allowable over the cited reference because cited reference fails to disclose each and every one of the claimed elements.

First, there is no controller in the cited references that is disclosed as being connected to the power storage element.

Second, there is no controller in the cited references that is disclosed as being connected to the lamp.

Third, there is no controller in the cited references that is disclosed as being connected to the switch.

Fourth, there is no controller in the cited references that is disclosed as being connected to the all three of the above elements.

Fifth, there is no controller in the cited references that is disclosed as having operability to provide momentary illumination of the lamp during an application of a first degree of force in a selected direction, and to cease illumination of the lamp in response to cessation of the force. Even if other elements such as a mechanical switch were to provide the same function, that would not meet the claim limitation that this function be provided by the claimed element.

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Sixth, there is no controller in the cited references that is disclosed as having operability to provide sustained illumination of the lamp in response to application of a greater second degree of force in the selected direction, and to maintain illumination of the lamp in response to cessation of the force.

For any of these reasons, and for all of them, claim 21 should be allowable.

The claims depending from claim 21 should be allowable for the above reasons, and because of the features set forth therein.

Claim 22 should be allowable for the additional reason discussed above with respect to claim 21, in that the element cited as a controller is not operable to provide the claimed function, regardless of whether other elements provide the function.

Claim 24 should be allowable for the additional reason that the cited figures do not show a tightly screwed tailcap, but one that is separate, loose, or disassembled. The cited reference appears to provide only sustained "on" function when the tailcap is "fully threaded" (col. 5, lines 48-51) thus preventing it from disclosing the claimed configuration and function.

Claim 24 should be allowable for the additional reason that the cited figures do not support the assertion that the Galli switch does not move when operated. Figure 4 shows that the switch assembly has a flexible cap 42 that shifts plunger 34 a distance "d" during operation. Figure 9 shows similar moving parts.

Claims 29-35 were rejected under §103(a) as unpatentable over Galli in view of Nilssen. The rejections are traversed for the reasons discussed above with respect to claim 21, in that the element cited as a controller is not operable to provide the various claimed function, regardless of whether other elements provide the function.

The rejection is further traversed because the articulated motivations to make the proposed combination "flexibility" "control" "enjoyment" are arbitrary, vague, and have no relation to either reference. There is no evidence that any of these capabilities are lacking in the primary reference, nor that the proposed medication would enhance these qualities.

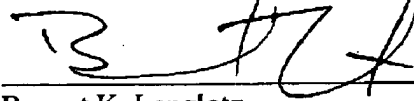
Claim 36 has been added to reflect allowable claim 23 (now cancelled) in independent form.

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Claims 37-41 reflect other characteristics associated with several of the original dependent claims.

Respectfully submitted,
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